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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/597,417

10/25/2006

David Garfield Blanch

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SCHMEISER, OLSEN & WATTS
22 CENTURY HILL DRIVE
SUITE 302
LATHAM, NY 12110

EXAMINER

GALL, LLOYD A

ART UNIT

PAPER NUMBER

3673

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/597,417	Applicant(s) BLANCH, DAVID GARFIELD	
	Examiner Lloyd A. Gall	Art Unit 3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 24-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 February 2010 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 24-27 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on May 4, 2009.

Applicant should note that claims 24-27 should include a "(Withdrawn)" status identifier.

The drawings are objected to because in Figs. 1 and 3, it is not clear in what sense reference 22 refers to an eccentric pin (page 9, line 20). Applicant should also note that the drawings are also objected to for the reasons set forth on attached form PTO-948. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

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the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claims 16-22 are objected to because of the following informalities: In claim 16, line 2, a comma should follow the second occurrence of "cylinder". Appropriate correction is required.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 8, "on the same side of a door" is not clear as to whether this is intended to set forth an intended use environment, or whether this limitation is positively claiming the door, and further positively claims both hubs as being mounted on the same side of the door. It is also not clear whether this limitation sets forth the hubs as being located on the exterior of the door, or whether the hubs may also be located within the door. In claim 9, lines 3-4, it is not clear in what sense the locking member is capable of rotating, or capable of sliding and rotating.

In view of the above rejections, the claims are rejected as best understood, on prior art, as follows.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-12, 14, 15 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Fortune et al (568).

Fortune et al teaches a lock in figs. 13-19 operable in a deadlock mode (column 5, line 14) using at least one key lock cylinder 14', inner handle 16", outer handle 16a, inner hub 115a, outer hub 132, a recess in the outer hub 132, and a recess 160' in the inner hub, which recess 160' in fig. 19 includes inclined sidewalls for removing the locking member 142 from the recess 160', the locking member 142, 146 capable of engaging both of the recesses and operable by an external member 150' on the inner side of the door defining an external snib, whereby the lock is also operable in a privacy mode wherein the lock is operable by the inner handle but not the outer handle, and a passage mode when the locking member disengages from each recess, wherein the lock is operable by both handles, a lock body defined by the outer casing in fig. 18, and a rotatable interconnecting member 128, 130. The locking member includes a slidable plate 142 and a nose 146.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fortune et al (568) in view of Collar (993).

Collar teaches a locking member 47 controlled by a rotatable member 65an eccentric pin 67 or 55 to define a crank mechanism. It would have been obvious to modify the snib 150 of Fortune et al to include a rotatable crank mechanism, in view of the teaching of Collar, to provide expected results.

Claims 16-18 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fortune et al (568) in view of O'Connell (330).

As seen in fig. 8, O'Connell teaches two key cylinders 102, 106to control locking member(s) 83,84 by a cam 54 of the lock cylinders. It would have been obvious to utilize two lock cylinders with the lock of Fortune et al, in view of the teaching of O'Connell, to provide expected results.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fortune et al (568) in view of Chesler (934).

Chesler teaches a lock cylinder 14 functioning with a cam 66 and a first drive member 71, 76 to actuate a locking member 81. It would have been obvious to utilize a cam and drive member with a key lock in the lock of Fortune et al, in view of the teaching of Chesler, to provide expected results.

Claims 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fortune et al in view of O'Connell as applied to claim 21 above, and further in view of Chesler.

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Chesler teaches a lock cylinder 14 functioning with a cam 66 and a first drive member 71, 76 to actuate a locking member 81. It would have been obvious to utilize a cam and drive member with the key locks of Fortune et al as modified by O'Connell, in view of the teaching of Chesler, to provide expected results.

Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection. Additionally, it is noted that the mechanism 200, 146 in Figs. 16-19 of Fortune engages two hubs 115', 132' on the same side of a door, with hub 115' having inclined sidewalls on its recess 160' as seen in fig. 19.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 571-272-7056. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lloyd A. Gall/
Primary Examiner, Art Unit 3673

/L. A. G./
Primary Examiner, Art Unit 3673
April 26, 2010